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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

LOUIS F. COLELLA, D.M.D.

License No. 22DI00933700

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

INTERIM
CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("the Board") upon receipt of information from the New Jersey Bureau of Radiologic Health reporting that an inspection of the x-ray equipment owned by Louis F. Colella, D.M.D. ("respondent"), located at his private dental practice, 671 Ringwood Avenue, Wanaque, New Jersey 07465, was found not to be in working order. Additionally, it was reported that respondent has been referring patients to a local dentist in order to have x-rays taken.

On April 22, 2008, investigators from the Enforcement Bureau of the New Jersey Division of Consumer Affairs conducted an inspection of respondent's office. As part of the inspection, the investigators also reviewed the appointment books of the practice for 2006, 2007 and 2008. Random patient records were reviewed, and an administrative subpoena was subsequently issued whereby fourteen specific patient records were obtained.

The inspection of the office revealed that respondent has never had a medical waste disposal contract since the practice opened in August of 1974. Respondent

acknowledged he has always stored his needle tips, bloody gauze and prophylaxis angles in empty alginate cans kept in a storage room. Respondent cleans his instruments by placing gauze in a small metal container, pouring cold sterilization in, and wiping the instruments with the saturated gauze. The instruments are then placed in the dry-clave. A container with cold sterilization solution was not present in the office. Respondent rarely utilizes an ultrasonic cleaner, the last time was approximately one year ago.

Although respondent utilizes his dry-clave, he has never had a test performed by an independent agency to determine its effectiveness. An inspection of respondent's dental instruments revealed that they were not kept bagged and haphazardly arranged in the drawer. A large number of instruments were rusty and contained debris. Hand pieces are not sterilized, but rather are wiped down with gauze that has been saturated with cold sterilization solution.

On April 22, 2008, the interior and exterior of cabinets were dusty and stained. Hot water was not available, as the water heater was broken. The toilet bowl in the bathroom was stained with black mold. The sink in the operatory and lavatory was moldy and stained. Soap and hand towels were not present in the operatory. The trash can in the operatory was filled with garbage. Two large garbage cans in the laboratory were also filled with garbage. The storage room was extremely cluttered with dozens of alginate containers containing medical waste, as well as Christmas decorations and patient files.

An x-ray machine was present, but not equipped to develop the x-rays. A lead apron was present, but a thyroid collar was not. Respondent stated he purchased the x-ray unit in January 2008, but has been unable to take x-rays because he does not have a developer and his supplier is in the process of purchasing one for him. Respondent stated that until his x-ray machine broke a few years ago, he took x-rays as needed. Since then, he uses his experience to gauge what the patient requires. Respondent treats cavities, infections and dental abscesses without an x-ray. If a patient's problem appears to be complex, he refers the patient to a periodontist, oral surgeon or endodontist.

None of the fourteen patient records obtained contained x-rays. Only two of the patient records made reference to x-rays having been taken. Charting in the patient records is mostly illegible. Several patient visits that actually took place, as per the respondent's patient appointment book, are not noted in the patient's chart.

Having reviewed the entire record, including photographs of respondent's practice during the inspections, a report concerning the April 22, 2008 inspection, as well as the fourteen patient records, it appears to the Board that respondent has failed to maintain his professional practice in a safe and sanitary condition in conformance with the Center for Disease Control guidelines. These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:21(d), for engaging in repeated acts of negligence and incompetence in that respondent failed to keep his instruments in a cold sterilization bath, or place them in the ultrasonic cleaner, prior to placement in the dry-clave. Respondent failed to bag or place instruments in appropriate sterile bags or containers prior to placement in the sterilization unit. Respondent failed to take x-rays and utilize proper diagnostic criteria in accordance with the standard of care. Also, the office is maintained in a dirty and unsanitary manner. Additionally, respondent has failed to adhere to the Board's patient record regulation found at N.J.A.C. 13:30-8.7. These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional misconduct by failing to obtain a Department of Environmental Protection medical waste disposal registration, failing to properly dispose of medical waste, failing to have an independent agency test the dry-clave, and failing to properly take x-rays.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 12th DAY OF May, 2008
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately close his dental practice located at 671 Ringwood Avenue, Wanaque, New Jersey 07465 until such time as respondent can demonstrate, to the Board's satisfaction, following review of documents submitted by

respondent and an inspection to be performed by the Enforcement Bureau of the Division of Consumer Affairs, that respondent is complying with the Center for Disease Control guidelines for sterilization and the disposal of medical waste and that the concerns delineated above have been adequately addressed. Specifically, respondent shall demonstrate that the office and his practice conform with the following requirements:

- a) Employment of an office cleaning service which cleans the office on a regular basis, a minimum of once per week.
- b) Sterilization unit subject to appropriate sterilization monitoring. ✓
- c) Proper storage of all patient records and charts to maintain patient confidentiality and the integrity of radiographs. ✓
- d) Proper disposal of all regulated medical waste including obtaining a medical waste registration number with the Department of Environmental Protection. ✓
Respondent must contract with a proper medical waste disposer and must maintain all records pertaining to the disposal of medical waste.
- e) All instruments placed in sterile containers, cassettes or bags, in order to prevent the open-air contamination of the instruments. ✓
- f) Utilization of the ultra-sonic cleaner to treat all instruments with appropriate materials such as enzymatic solution. ✓
- g) Utilization of appropriate barrier techniques in all treatment rooms. 0
- h) All surfaces must be cleaned with Environmental Protection Agency registered intermediate level disinfectant with tuberculocidal claim. ✓
- i) Respondent shall wear appropriate protective gear for all patients and services provided. ✓
- j) All patient records shall be maintained consistent with the New Jersey patient record regulations found at N.J.A.C. 13:30-8.7. ✓
- k) Respondent shall ensure his x-ray equipment complies with the Performance Standards of the New Jersey Radiation Protection Code, N.J.A.C. 7:28 et seq. ✓

- l) Respondent shall take x-rays, and utilize other proper diagnostic criteria, in accordance with the appropriate standard of care. ✓
 - m) Respondent shall remove the dust and dirt film which is present throughout many areas of the office and hereafter maintain the office in a clean and sanitary manner.
 - n) Respondent shall maintain on the premises appropriate personal hygiene supplies including liquid soap and disposable hand towels.
2. Prior to applying for permission to re-open the office, respondent shall submit to and fully cooperate with an inspection by the Enforcement Bureau of the Division of Consumer Affairs.
3. Prior to applying for permission to re-open the practice, respondent shall fully attend and successfully complete seven hours (7) of continuing education in sterilization techniques and an Occupational Safety and Health Administration course. Additionally, respondent shall fully attend and successfully complete seven (7) hours of continuing education in proper diagnosis and treatment planning. All courses are to be completed within six (6) months of the date of this order. Respondent shall complete the attached applications and submit them to the Board for approval prior to attendance. After completion of the courses, respondent is to submit documentation to the Board demonstrating successful completion of the courses. The attached applications are made part of this Consent Order.
4. Respondent shall, within ten (10) days of the entry date of this order, provide proof of his continuing education credits for the biennial renewal periods of 2003-2005, 2005-2007 and 2007-2009.
5. Prior to re-opening the office, respondent shall appear before the Board or a committee of the Board and demonstrate to the satisfaction of the Board that he has complied with all of the provisions of this Interim Consent Order.
6. Upon re-opening the office, respondent will submit to random inspections at

the request of the Board or representatives of the Enforcement Bureau of the New Jersey Division of Consumer Affairs, during office hours. Respondent will be responsible for incurring the costs of all future Enforcement Bureau inspections.

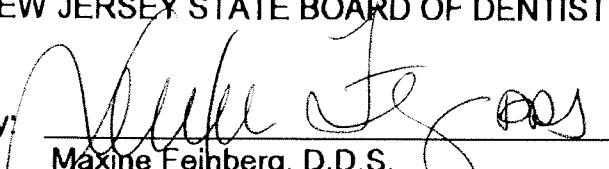
7. The Board specifically reserves the right to bring further proceedings to ensure compliance with this order and the statutes and regulations administered by the Board and to complete its investigation and seek sanctions against respondent.

8. Failure to comply with any of the terms of this consent order may result in further disciplinary action. Respondent hereby consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of information which the Board in its sole discretion deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this Interim Consent Order.


9. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information submitted regarding a violation of this Interim Consent Order was false.

NEW JERSEY STATE BOARD OF DENTISTRY

By:


Maxine Feinberg, D.D.S.
Board President

I have read and understand this
Consent Order and agree
to be bound by its terms. I consent
to the entry of this Order.


Louis F. Colella, D.M.D.

5/12/08
Date